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ON: September 26, 2003
Heather L Gonsorick

Name of Person Mailing Document (Print)

Heather Gonsorick
(Signature)

Attorney Docket No. B45172

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dyson, et al.	Date of Response: July 16, 2003
Application No.:	09/914,088	Group Art Unit: 1644
Filing Date:	November 13, 2001	Examiner: Phuong N. Huynh
For:	Epitopes Or Mimotopes Derived From The C-Epsilon-2 Domain of IGE, Antagonists Thereof, and Their Therapeutic Uses	

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is in response to the Restriction Requirement dated August 26, 2003, (Paper No. 7) (herein referred to as "the Restriction Requirement"), setting forth a thirty (30) day shortened statutory period for reply. As this response is timely filed within the shortened statutory period for response of thirty (30) days, no fee is required. Please charge any additional requisite fees relating to this amendment and response to Deposit Account No. 19-2570.

Restriction Requirement Under 35 U.S.C. §§ 121 and 372

Claims 42-83 are pending in the application. Claims 42-83 are subject to a restriction requirement. Applicants traverse the restriction and request reconsideration and withdrawal of the restriction requirement for the reasons set forth herein. However, in order to be completely responsive, the Applicants elect Group 1 consisting of Claims 42-43, 51-52, and 58-67, drawn to P1.

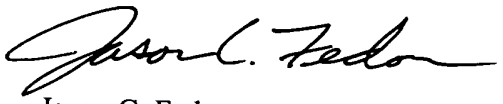
While the groups identified may be distinct, they are not independent because search terms for one group will necessarily be shared with other groups. For example, Groups 1, 8, 15, 22-26, 33, 40, 47, 54-58, 65, 72, 79, and 86-90, are all drawn to a single inventive concept: P1. Therefore, doing searches on these groups combined would not be a significant burden on the Examiner. Nevertheless, in the interest of advancing the prosecution of this case, Applicants wish to elect Group 1 consisting of Claims 42-43, 51-52, and 58-67. In view of the above, applicants submit that the instant restriction is improper and request that all of the pending claims be examined in the same application.

In addition, Applicants cite 37 CFR § 1.475(b)(3) as the applicable rule for determining Unity of Invention before the International Searching Authority and during the National Stage. This section of the Code specifically states that claims drawn to "a product, a process specially adapted for the manufacture of the said product, and a use of the said product" comprise a category considered to have Unity of Invention. Considering the presently pending claims in the instant application, Applicants assert that claims 42-43, 50-55, 58-67, and 75-83, are related as "a product, a process specially adapted for the manufacture of the said product, and a use of the said product". As such, Applicants submit that under a proper analysis of Unity of Invention, they are entitled to have claims 42-43, 50-55, 58-67, and 75-83, examined as a single invention. Applicant respectfully request that the Examiner reconsider the restriction requirement and examine claims 42-43, 50-55, 58-67, and 75-83, together as Group 1 because these claims are drawn to P1. The Applicants have deleted the remaining claims 44-49, 56, 57, 68-74, as being drawn to a non-elected invention.

Applicants also assume that Groups 48-53 and 73-78 refer to P2-P7 instead of "P1". For example, Group 48 relates to P2 of SEQ ID NO: 2 and Group 49 relates to P3 of SEQ ID NO: 3, and so forth.

The Applicants reserve the right to prosecute, in one or more patent applications, the canceled claims, the claims to non-elected inventions, the claims as originally filed, and any other claims supported by the specification. If it would expedite prosecution of this application, the Examiner is invited to confer with the Applicants' undersigned attorney.

Respectfully submitted,



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